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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10-781-432

EXAMINER
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ART UNIT	PAPER
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20060914

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

## Notice of Allowability

Application No.

10/781,432

Examiner

Laura C. Hill

Applicant(s)

ZANDER ET AL.

Art Unit

3761

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Appeal Brief filed 20 March 2006.
2. ☒ The allowed claim(s) is/are 1 and 3-26.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 20060914.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Paul Yee on 13 September 2006. Note these changes are applicable to the set of claims filed 11 October 2005.

The application has been amended as follows:

Please **change the title** to the following:

Absorbent Article with Diverging Arrays of Embossing Elements

**In Claim 1, line 1**

After "An" please insert —absorbent personal care—

**In Claim 1, line 4**

After "medial section," please insert —spaced along an entire length of the longitudinal and transverse centerline—

**In Claim 1, line 8**

After "differently arranged" please insert —non-intersecting—

**In Claim 1, line 9**

After "is located" please insert —only—

**In Claim 1, line 14**

After "article" please insert —at an angle—

**In Claim 5, line 1**

Please delete "4" and replace with -3—

**In Claim 6, line 1**

Please delete "4" and replace with -3—

**In Claim 8, line 1**

Please delete "7" and replace with -6—

**In Claim 10, line 1**

Please delete "9" and replace with -8—

**In Claim 11, line 1**

Please delete "10" and replace with -9—

**In Claim 15, line 1**

Please delete "14" and replace with -13—

**In Claim 22, line 1**

Please delete "21" and replace with -20—

**In Claim 23, line 1**

Please delete "21" and replace with -20—

**In Claim 24, line 1**

Please delete "21" and replace with -20—

**In Claim 25, line 1**

Please delete "24" and replace with -23—

**In Claim 26, line 1**

Please delete "25" and replace with -24—

### ***Reasons for Allowance***

Applicant's arguments, see Appeal Brief, filed 20 March 2006 have been fully considered and are persuasive. Finality has been withdrawn and claims 1 and 3-27 allowed.

### ***Drawings***

New corrected drawings in compliance with 37 CFR 1.121(d) are required **prior to issue** of this application because the numbers are hand-written and unclear.

### ***Claim Language Interpretation***

The term "stiffening elements" has been interpreted to be "any structure that generates anisotropic mechanical properties in a flexure region" and can include but is not limited to embossments (see instant specification page 7, lines 33-35, page 9, lines 11-14).

The following is an examiner's statement of reasons for allowance: the art of record fails to disclose or fairly suggest an absorbent personal care article having first array of stiffening elements located only in a first half portion, positioned to diverge toward a first longitudinal end at an angle to substantially avoid intersecting a medial section that is spaced along an entire length of a longitudinal and transverse centerline and a second, differently arranged non-intersecting array of stiffening elements located in a second half-portion positioned to diverge toward a second longitudinal end to substantially avoid intersecting in the medial section for controlling bending stiffness within the article.

**Berba et al. (US 6,953,451)** discloses sanitary napkin 20 having first and second diverging arrays of embossed bending zones/stiffening elements 45 located in first and second half end portions 66, 68 respectively that crosses *rather than avoid* part of the longitudinal axis, said stiffening elements form *intersecting arrays* to resist bunching (column 2, line 25-column 3, line 65).

**Brisebois et al. (US 2004/0254556)** discloses sanitary napkin 20 having first and second diverging arrays of *protrusions*/stiffening elements 76, 78 located in first and second half end portions respectively and *partially* avoiding a medial section and said protrusions form *intersecting arrays* (paragraph 0045-0046, figures 1-2), the protrusions increase surface area for *low penetration times* (paragraph 0053). There is no motivation or suggestion to modify the Berba or Brisebois reference with non-intersecting stiffening arrays that avoid the entire longitudinal and transverse centerline that defines the medial section since the references teach away from this concept with intersecting arrays that cross one or both of these centerlines.

The following is other pertinent art:

**Brisebois et al. (US 6,312,416)** discloses sanitary napkin 20 with *intersecting* diverging bending zones 100 crossing part of the longitudinal axis that *weaken rather than stiffen* the article (column 10, lines 11-34, figures 1, 7). **Brisebois (US 2002/0143311)** discloses panty liner 20 with non-intersecting embossed folding lines/*weakening elements* 64 that avoid the longitudinal *but not* the transverse centerline (paragraphs 0048, 0053-0057, figure 1). **Drevik (US 2002/0040212)** discloses absorbent article with beads 54 that serve as spacing means 60 but *no*

*divergent arrangement of stiffening elements* (figure 1). **Hanson (US 6,222,092)** discloses diaper 9 having non-intersecting divergent slits/*weakening rather than stiffening* elements 50 that avoid the transverse but not the longitudinal centerline (column 7, lines 20-27, column 2, lines 55-57, figure 1).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Hill whose telephone number is 571-272-7137. The examiner can normally be reached on Monday through Friday (hours vary).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Laura C. Hill  
Examiner  
Art Unit 3761

LCH



TATYANA ZALUKAEVA  
SUPERVISORY PRIMARY EXAMINER

